

**Meeting of the Central Valley Flood Protection Board
September 23, 2010**

Staff Report – Encroachment Permit

**California Department of Water Resources
Curtis Landing Fish Release Facility Modification, Sacramento County**

1.0 – ITEM

Consider approval of Permit No. 18606 (Attachment B)

2.0 – APPLICANT

California Department of Water Resources

3.0 – LOCATION

The project is located south of Rio Vista, near the intersection Sherman Island East Levee Road and Sherman Island Cross Road.

(San Joaquin River, Sacramento County, see Attachment A)

4.0 – DESCRIPTION

Applicant proposes to raise an existing 12-inch-diameter steel and PVC combination fish release pipe from elevation 11.67-feet to 13.55-feet, construct a 24- by 9-foot reinforced concrete pad, re-grade approximate 50- by 44-foot area around pad with gravel on the right (north) bank of the San Joaquin River.

5.0 – PROJECT ANALYSIS

The modifications being proposed to the existing fish release facility will accommodate new release trucks recently purchased by the California Department of Water Resources (DWR). The project consists of modifying the existing fish release structure and installing a new concrete pad. The new fish release trucks will increase the effectiveness of flushing fish and debris down the pipe thereby decreasing impacts to the fish being released.

The existing fish release facility was authorized by Board Order (No. 5736) on April 27, 1967. All work that will be done for the proposed fish release modification project is on or near the levee crown and will conform to Title 23 standards.

5.1 – Hydraulic Analysis

All construction activity will occur at or near the levee crown and there will be no excavations into the levee. Therefore a hydraulic analysis was not required for this project.

5.2 – Geotechnical Analysis

The addition of a concrete truck pad and ¾ -inch gravel to the levee crown does not require a geotechnical analysis.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- Reclamation District 341 endorsed the project on August 26, 2010, with conditions. Applicable conditions related to flood control issues have been incorporated into Permit No. 18606.
- The U.S. Army Corps of Engineers 208.10 comment letter was received for the proposed project on July 16, 2010 and will be referenced into the permit as Exhibit A.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA determination:

The Department of Water Resources, as lead agency under CEQA, approved the project (Curtis Landing Fish Release Facility Modification Project) and filed a Notice of Exemption (SCH# 2010048245) on April 20, 2010 with the State Clearinghouse. The Department of Water Resources determined that the project was categorically exempt under a Class 2 Categorical Exemption (CEQA Guidelines Section 15302 (b)) covering replacement and reconstruction of existing structures of substantially the same size, purpose, and capacity and Class 3 (CEQA Guidelines Section 15303 (e)) covering new construction or conversion of accessory structures.

The Board, acting as a responsible agency under CEQA, has reviewed the Department of Water Resources determination and has independently determined that the project is exempt from CEQA under Class 2 Categorical Exemption (CEQA Guidelines Section 15302 (b)) covering replacement and reconstruction of existing structures of substantially the same size, purpose, and capacity and Class 3 (CEQA Guidelines Section 15303 (e)) covering new construction or conversion of accessory structures.

8.0 – SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

There will be no impacts to the State Plan of Flood Control as all proposed work will occur at or near the levee crown.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

Effects from reasonable projected future events should be minimal as the fish release facility is accessed from the levee crown. Increases in water surface elevations could require that the facility be relocated.

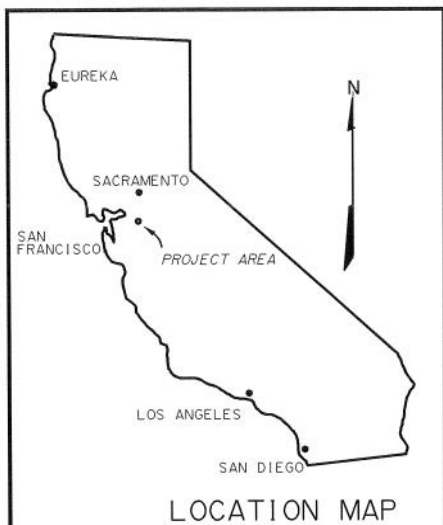
9.0 – STAFF RECOMMENDATION

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

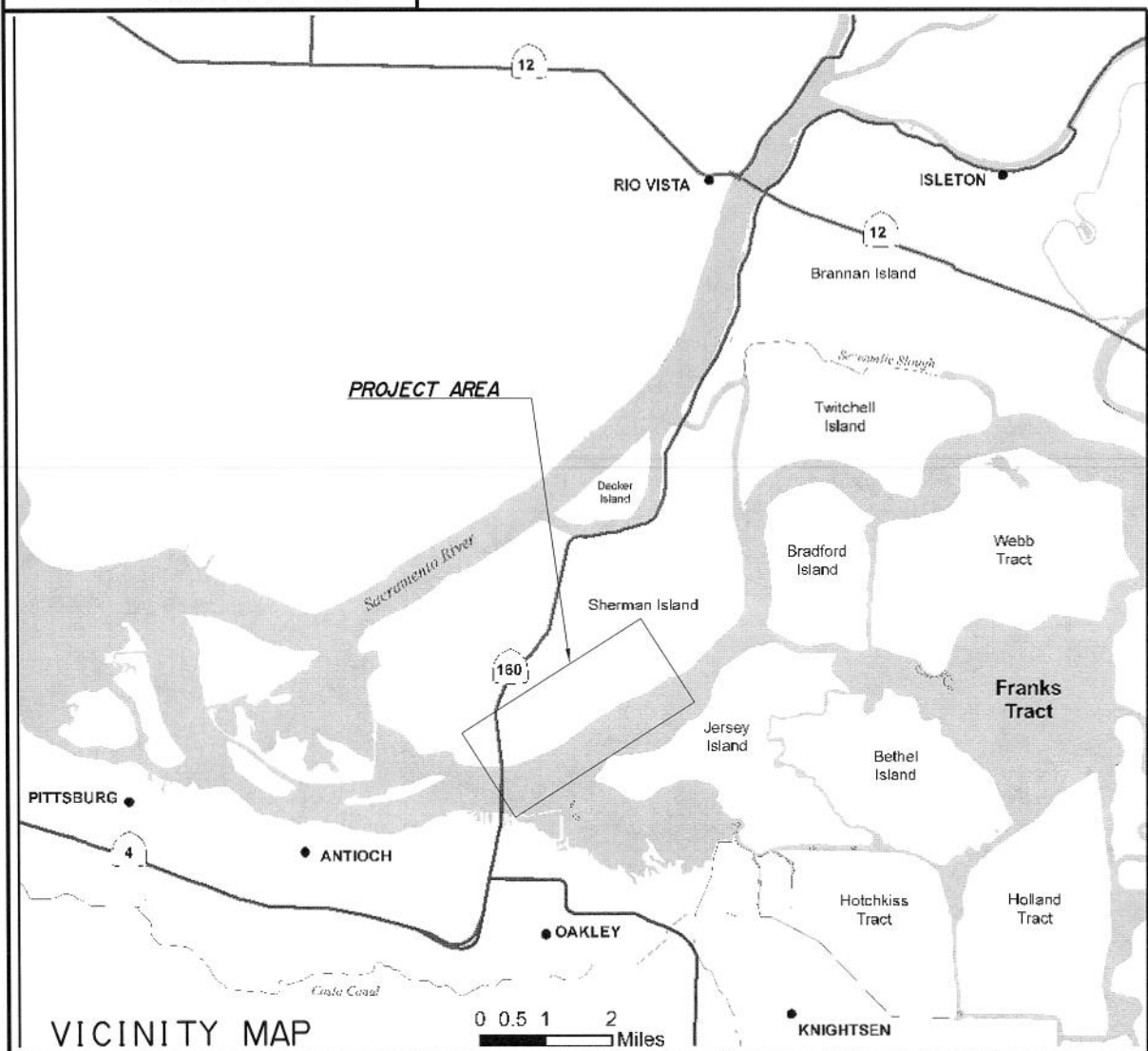
10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18606

Design Review:	Gary W. Lemon P.E.
Environmental Review:	James Herota
Document Review:	Len Marino P.E.



STATE OF CALIFORNIA
SACRAMENTO COUNTY
SHERMAN ISLAND – CURTIS
SPECIAL DISTRICT



A

B

C

D

Curtis Landing Fish Release Facility Modification
Site Visit, photos 4/22/2010



Photo1: Side view (east) of section of pipe to be replaced



Photo 2: Near by vegetation: willow, tule. Cottonwoods about 200 ft to the east.



Photo 7: View of entire grading area, from the pipe to the person.



Photo 8: Area of concrete pad placement.

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DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18606 BD

This Permit is issued to:

California Department of Water Resources
5280 Bruns Road
Attention: Erdom Abraham
Byron, California 94514

To raise existing 12-inch-diameter steel and PVC combination fish release pipe from elevation 11.67-feet to 13.55-feet, construct a 24- by 9-foot reinforced concrete pad, regrade approximate 50- by 44-foot area around pad with gravel on the right (north) bank of the San Joaquin River. The project is located south of Rio Vista, near the intersection Sherman Island East Levee Road and Sherman Island Cross Road (Section 10, T2N, R2E, MDB&M, Reclamation District 341, San Joaquin River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to

change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18606 BD

THIRTEEN: All work approved by this permit is in addition to work approved in Permit No. 5736. All new work shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion

FIFTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

SIXTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 341 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: No excavation shall be made or remain in the levee section during the flood season from November 1st to July 15th.

EIGHTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

NINETEEN: At all times during construction, at least one lane of the levee crown roadway shall be kept clear for vehicular access.

TWENTY: In the event existing rock revetment on the levee slope is disturbed or displaced during construction, it shall be restored to its preconstruction condition.

TWENTY-ONE: The permittee is responsible for repairing any damage to the levee caused by the installation or operation of the fish release facility.

TWENTY-TWO: No materials or equipment shall be stored on the levee section.

TWENTY-THREE: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

TWENTY-FOUR: The levee section shall be restored to at least the same condition that existed prior to commencement of work.

TWENTY-FIVE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

TWENTY-SIX: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

TWENTY-EIGHT: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-NINE: A letter from the Department of the Army dated July 16, 2010, which is attached to this permit as Exhibit A, is in reference to this project.

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Flood Protection and Navigation Section (18606)

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

JUL 16 2010

Dear Mr. Punia:

We have reviewed a permit application by the California Department of Water Resources (application number 18606). This project includes raising an existing 12 inch diameter steel pipe, constructing a reinforced concrete pad, and regrading the area around the pad with gravel on the right (north) bank of the San Joaquin River. The proposed project is located south of Rio Vista, near the intersection of Sherman Island East Levee Road and Sherman Island Cross Road, at 38.0329°N 121.7375°W NAD83, Sacramento County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

A file (SPK-2010-00798) has been opened because a Section 10 and/or Section 404 permit may be required. Please advise the applicant to contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Division, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250.

A copy of this letter is being furnished to the acting chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,

A handwritten signature in black ink, reading "Meegan G. Nagy", is positioned above the printed name and title.

Meegan G. Nagy, P.E.
Chief, Flood Protection and Navigation Section